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Planning Statement

In support of an application for a Lawful Development Certificate (Proposed Use)

Site Address
90 Market Street, Milnsbridge, Huddersfield HD3 4HT (ground floor unit)

Proposal
Use of ground floor unit as a café (Use Class E(b))

Applicant
Mr Ubaid Rafi

Local Planning Authority
Kirklees Council

Agent
UHDesign Architectural Services

Date
November 2026

1. Introduction

1.1 This Planning Statement has been prepared by UHDesign Architectural Services on behalf of Mr Ubaid Rafi ("the applicant") in support of an application to Kirklees Council for a Lawful Development Certificate under section 192 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").

1.2 The application seeks confirmation that the proposed use of the ground floor unit at 90 Market Street, Milnsbridge, Huddersfield HD3 4HT as a café, falling within Class E(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) ("the Use Classes Order"), would be lawful.

1.3 An application under section 192 of the 1990 Act seeks confirmation that a proposed use would be lawful "if instituted or begun at the time of the application". It is determined on the basis of the facts and the relevant law. The planning merits of the proposal are not a matter for consideration. This statement therefore sets out the relevant facts and the legal basis on which the certificate is sought.

2. The Site and Its Lawful Use

2.1 The application site is the ground floor commercial unit of a two-storey, stone-built corner building at the junction of Market Street and Armitage Road, Milnsbridge. The unit has shopfront glazing to both street elevations and a splayed corner entrance.

2.2 The site lies within the Milnsbridge Conservation Area.

2.3 The first floor of the building is a separate unit, served by its own entrance door and staircase. It has no internal connection to the ground floor unit. The first floor does not form part of this application, and the red line on the site location plan is drawn around the ground floor unit only.

2.4 The ground floor unit has a net internal area of 30.0 sqm. It comprises an open sales floor with a counter, a rear store room, a smaller store and a WC.

2.5 A search of the Council's online planning records has found no previous planning applications relating to the site. No planning conditions have therefore been identified that restrict the use of the premises.

2.6 The premises have been in commercial use for an extended period. The use history is as follows:

a) A hair salon, The Hair Shop, occupied the unit until summer 2014. Google Street View imagery from 2009, 2011 and 2012 shows The Hair Shop fascia sign on the premises (Appendix B);

b) The unit was vacant from summer 2014 until late summer 2015 while a new tenant was sought;

c) A model railway shop, Milnsbridge Models, occupied the unit from late summer 2015 until early 2023. Google Street View imagery from August 2016

to March 2021 shows the unit in shop use, with notices and displays in the door and windows (Appendix B);

d) A gift shop occupied the unit from early 2023 until summer 2026;

e) The unit has been vacant since summer 2026.

2.7 The landlord's statement at Appendix A confirms this use history.

2.8 Until 31 August 2020, use for hairdressing and use for the retail sale of goods both fell within Class A1 (Shops) of the Use Classes Order. The change from hair salon to model railway shop in 2015 was therefore a change within Class A1 and did not involve development. The intervening vacancy of around a year, while the owner sought a new tenant, did not amount to abandonment of the lawful use, and there was no intervening use. Regulation 7 of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020/757) provides that a building in use for a Class A1 purpose on 31 August 2020 is to be treated, on or after 1 September 2020, as being used for a purpose within Class E (Commercial, Business and Service). The model railway shop was in occupation and trading from the premises on 31 August 2020, as confirmed by the landlord's statement. Google Street View imagery captured in September 2020, shortly after that date, shows the unit in shop use (Appendix B).

2.9 The Valuation Office rating list describes the premises as "Shop and premises" (Kirklees council reference 36420000900). This description appears in the 2017 rating list, effective from 1 April 2017 to 31 March 2023, which covers 31 August 2020, and in the 2023 and 2026 lists. The floor area recorded by the Valuation Office, 30.24 sqm on a net internal area basis, is consistent with the measured area of the unit. The rating list entries are reproduced at Appendix C.

2.10 The gift shop that followed also used the premises for the retail sale of goods. The existing lawful use of the premises is therefore Class E(a), which covers use:

> *"for the display or retail sale of goods, other than hot food, principally to visiting members of the public".*

2.11 The unit has been vacant only since the gift shop closed in summer 2026. There has been no intervening use and no abandonment of the lawful use, which remains Class E(a).

2.12 The building is a stone-built corner property with a ground floor shopfront, of a form characteristic of purpose-built shop premises. There is no record of any planning permission for the use of the ground floor as a shop, which is consistent with a long-established use. In any event, the ground floor has been used as a shop since late summer 2015, a period of more than 10 years. Even if the origin of the use were in doubt, it would be immune from enforcement action under section 171B of the 1990 Act and therefore lawful by virtue of section 191(2).

3. The Proposal

3.1 The applicant proposes to use the unit as a café selling coffee, tea and desserts, together with a limited range of light warm food such as paninis and wraps. The premises would operate primarily for customers eating and drinking on the premises.

3.2 The proposed operation is summarised below.

Aspect	Proposed operation
Menu	Coffee, tea and desserts, with light warm food such as paninis and wraps
Customer seating	8 covers (four tables for two), positioned along both glazed frontages
External seating	None. All seating is within the unit
Opening hours	09:00 to 15:00
Staff	2
Delivery	None. No third-party delivery platforms will be used
Takeaway	Ancillary only. The majority of trade is expected to be eat-in
Food preparation	Confined to the servery behind the counter, using all-electric equipment with recirculating extraction
Waste	Low volumes expected. Food waste reduced by a small compactor and stored internally in the store room, with collection by a licensed commercial waste contractor
External works	None proposed as part of this application

Table 1: Summary of proposed operation

3.3 The proposed ground floor plan shows the layout of the unit. The floor area is allocated as follows.

Zone	Area (sqm)	% of total
A. Customer seating and circulation	16.5	55%
B. Servery and food preparation (including counter and display)	7.7	26%
C. Store	3.0	10%
D. WC	2.8	9%
Total (net internal area)	**30.0**	**100%**

Table 2: Area schedule

3.4 The customer seating and circulation area is approximately twice the size of the servery and food preparation area. The figure for the servery includes the footprint of the counter and display unit, so that the food preparation side has not been understated. All food preparation takes place within the servery, and the rear store room is used for storage only. The WC is available to customers.

3.5 No external alterations form part of this application. Any signage, any alteration to the shopfront and any other external works, including any ventilation that may be required to meet the Building Regulations, would be the subject of separate applications where required.

4. Legal Assessment

Development and the Use Classes Order

4.1 Section 55(1) of the 1990 Act defines development as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

4.2 Section 55(2)(f) of the 1990 Act provides that, where buildings or other land are used for a purpose of any class specified in an order made by the Secretary of State, the use of the buildings or land for any other purpose of the same class is not to be taken to involve development of the land.

4.3 Class E of Schedule 2 to the Use Classes Order, as inserted by SI 2020/757, includes use, or part use, for all or any of the following purposes:

> *"(a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,*
>
> *(b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises".*

4.4 The existing lawful use of the premises falls within Class E(a). The proposed use as a café falls within Class E(b). As both uses fall within Class E, the change from one to the other does not involve development by virtue of section 55(2)(f), and planning permission is not required.

Distinction from a hot food takeaway

4.5 A hot food takeaway, where hot food is sold for consumption mostly off the premises, is a sui generis use under article 3(6) of the Use Classes Order and falls outside Class E. Whether a particular operation is a café or a hot food takeaway is a matter of fact and degree.

4.6 The Council's Hot Food Takeaway Supplementary Planning Document (September 2022) identifies, at paragraph 3.5, the factors the Council considers in determining the nature of a proposal: the proportion of space designated for food preparation and other servicing in relation to customer circulation space; the number of tables and chairs provided for customers; the hours of opening; and the proportion of the business's turnover arising from hot food takeaway sales. Table 5 of the SPD lists cafés, snack bars, sandwich and deli shops, coffee shops and ice cream shops among the uses that are not hot food takeaways.

4.7 Applying those factors to the proposal:

a) Floor space: the customer seating and circulation area (16.5 sqm, 55% of the unit) is approximately twice the servery and food preparation area (7.7 sqm, 26%), which includes the counter and display;

b) Tables and chairs: eight covers are provided at four tables, set along both glazed frontages, within a unit of 30.0 sqm;

c) Opening hours: the premises would open from 09:00 and close at 15:00, and would not trade in the evening or at night;

d) Turnover: the majority of trade is expected to be from customers eating and drinking on the premises. No third-party delivery platforms will be used, and takeaway sales would be ancillary.

4.8 The menu of coffee, tea, desserts and light items such as paninis and wraps is a café offer. It does not include the types of food listed in Table 5 of the SPD as typical of hot food takeaways. Food preparation is limited to all-electric equipment behind the counter with recirculating extraction.

4.9 On the facts, the primary purpose of the proposed use is the sale of food and drink to visiting members of the public for consumption mostly on the premises. Any takeaway sales would be ancillary to that use. The proposed use therefore falls within Class E(b) and is not a hot food takeaway.

Other relevant matters

4.10 No planning conditions have been identified that restrict the use of the premises or remove the flexibility provided by the Use Classes Order.

4.11 The site's location within the Milnsbridge Conservation Area does not affect the operation of section 55(2)(f). A change of use within the same use class is not development, and does not rely on permitted development rights. The site also lies within Flood Zone 2. As the proposal does not involve development, flood risk is not a matter for determination. In any event, shops and cafés both fall within the "less vulnerable" category of the national flood risk vulnerability classification.

4.12 The ground floor unit is a separate planning unit from the first floor, which has its own access and no internal connection. The application relates to the ground floor unit only.

5. Other Matters

5.1 As set out at paragraph 3.5, this application does not include any external works. Any advertisement consent for signage, and any planning permission for alterations to the shopfront or other external works, would be sought separately where required.

5.2 The fit-out works will be subject to the Building Regulations where applicable. The applicant will register the food business with the Council's Environmental Health service before trading commences.

6. Conclusion

6.1 The existing lawful use of the ground floor unit at 90 Market Street is within Class E(a), having been in lawful Class A1 shop use on 31 August 2020 and having transferred from Class A1 to Class E on 1 September 2020. No planning conditions restrict that use.

6.2 The proposed café, selling coffee, tea, desserts and light warm food primarily for consumption on the premises, falls within Class E(b). The layout, number of covers, opening hours and mode of trading are consistent with that use, and any takeaway element would be ancillary.

6.3 As the existing and proposed uses both fall within Class E, the proposed change of use does not constitute development under section 55(2)(f) of the 1990 Act. The application is commended to the Local Planning Authority for consideration on that basis.

Appendix A: Landlord Statement

The signed statement of Redacted , owner of the building, dated 9 November 2026, is reproduced below.

Statement of Landlord

Ground floor unit, 90 Market Street, Milnsbridge, Huddersfield HD3 4HT

This statement is provided in support of an application to Kirklees Council for a Lawful Development Certificate (Proposed Use) for the use of the ground floor unit at 90 Market Street, Milnsbridge, Huddersfield HD3 4HT as a café.

1. About me

1.1 Redacted

1.2 Redacted

1.3 I make this statement from my own knowledge as landlord of the building, and from the tenancy records I hold.

2. The ground floor unit

2.1 The ground floor of the building is a self-contained commercial unit with its own shopfront and corner entrance ("the unit").

2.2 The first floor of the building is a separate unit with its own entrance door and staircase. There is no internal connection between the first floor and the unit.

3. Use of the unit

3.1 The unit has been occupied as follows:

a) Until summer 2014: The Hair Shop, a hair salon providing hairdressing services to visiting members of the public.

b) From summer 2014 until late summer 2015: vacant, while a new tenant was sought.

c) From late summer 2015 until early 2023: Milnsbridge Models, a model railway shop selling model trains and related goods to visiting members of the public. This tenant was in occupation and trading from the unit on 31 August 2020.

d) From early 2023 until summer 2026: a gift shop selling gifts and related goods to visiting members of the public.

e) From summer 2026 to the date of this statement: vacant.

3.2 To my knowledge, the unit has not been used for any purpose other than those described above.

3.3 On each occasion the unit has been vacant, a new tenant was being sought. It has been my intention throughout to let the unit for commercial use.

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4. Planning

4.1 I am not aware of any planning permission, planning condition or enforcement notice relating to the unit.

5. The application

5.1 The applicant, Mr Ubaid Rafi, is the tenant of the unit. I have been informed of the application for a Lawful Development Certificate and I am aware of its content.

Statement of truth

I believe that the facts stated in this statement are true.

Redacted

Signed

Print name

Date 9 November 2026

Appendix B: Google Street View Images, 2009 to 2021

The images below are taken from Google Street View and show the premises at the corner of Market Street and Armitage Road. The capture date given by Google is shown on each image and in its caption. Imagery © Google.



Figure B1: June 2009. The unit trading as The Hair Shop, with "The Hair Shop, Unisex Salon" fascia sign.



Figure B2: May 2011. The Hair Shop fascia sign in place.



Figure B3: August 2012. The Hair Shop fascia sign in place.



Figure B4: August 2016. The Hair Shop sign removed. Notices and displays in the door and shop windows.



Figure B5: June 2017. The unit in shop use, with an "Open" sign in the door and goods and notices displayed in the windows.



Figure B6: June 2018. The unit in shop use, with notices and displays in the door and windows.



Figure B7: March 2019. The unit in shop use, with notices and displays in the door and windows.



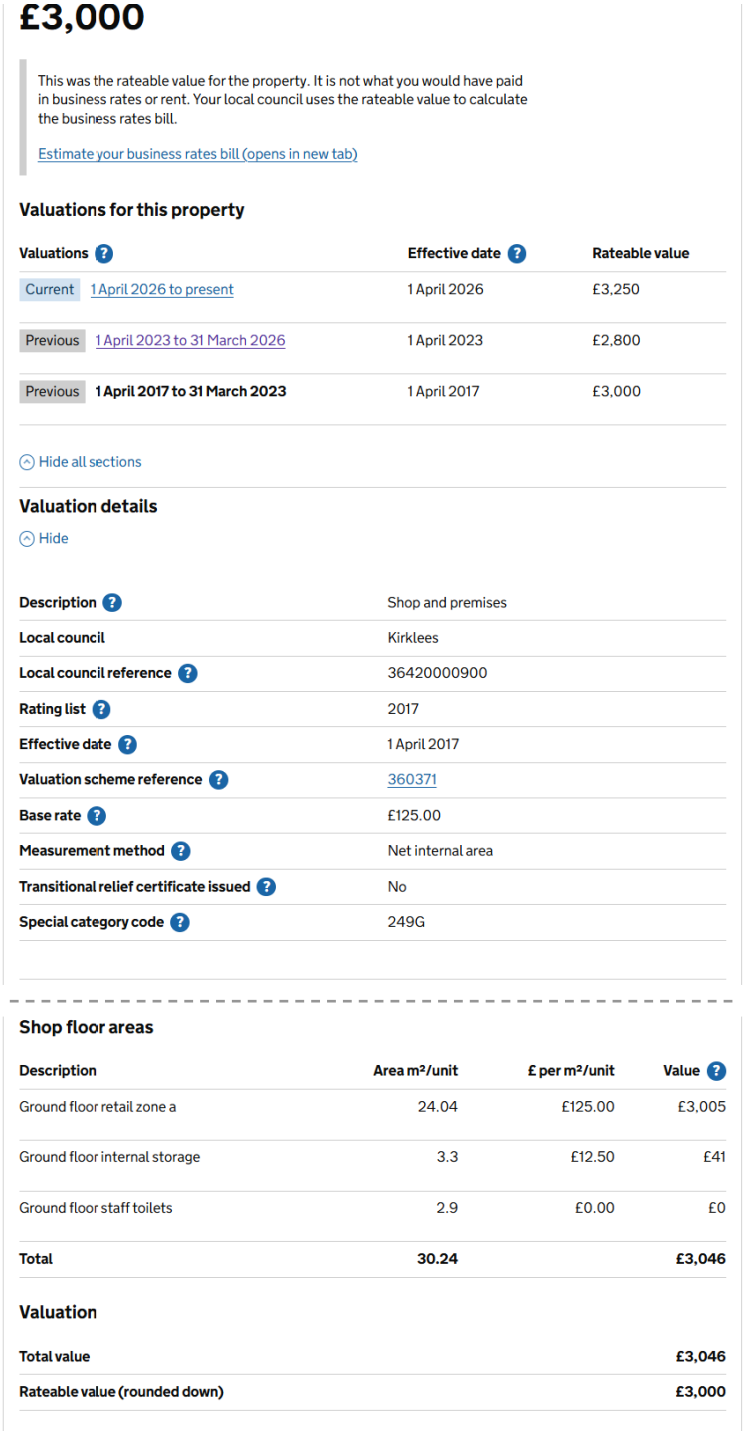
Figure B8: September 2020, shortly after 31 August 2020. The unit in shop use, with notices and displays in the door and windows.



Figure B9: March 2021. The unit in shop use, with notices and displays in the door and windows.

Appendix C: Valuation Office Rating List Entries

The entries below are taken from the GOV.UK "Find a business rates valuation" service for 90 Market Street, Milnsbridge, Huddersfield HD3 4HT. Each entry has been shortened to the property details, valuation history, valuation details and floor areas. The dashed line marks where the service's general explanatory text has been omitted.



£3,000

This was the rateable value for the property. It is not what you would have paid in business rates or rent. Your local council uses the rateable value to calculate the business rates bill.

Estimate your business rates bill (opens in new tab)

Valuations for this property

Valuations	Effective date	Rateable value
Current 1 April 2026 to present	1 April 2026	£3,250
Previous 1 April 2023 to 31 March 2026	1 April 2023	£2,800
Previous **1 April 2017 to 31 March 2023**	1 April 2017	£3,000

Hide all sections

Valuation details

Hide

Description	Shop and premises
Local council	Kirklees
Local council reference	36420000900
Rating list	2017
Effective date	1 April 2017
Valuation scheme reference	360371
Base rate	£125.00
Measurement method	Net internal area
Transitional relief certificate issued	No
Special category code	249G

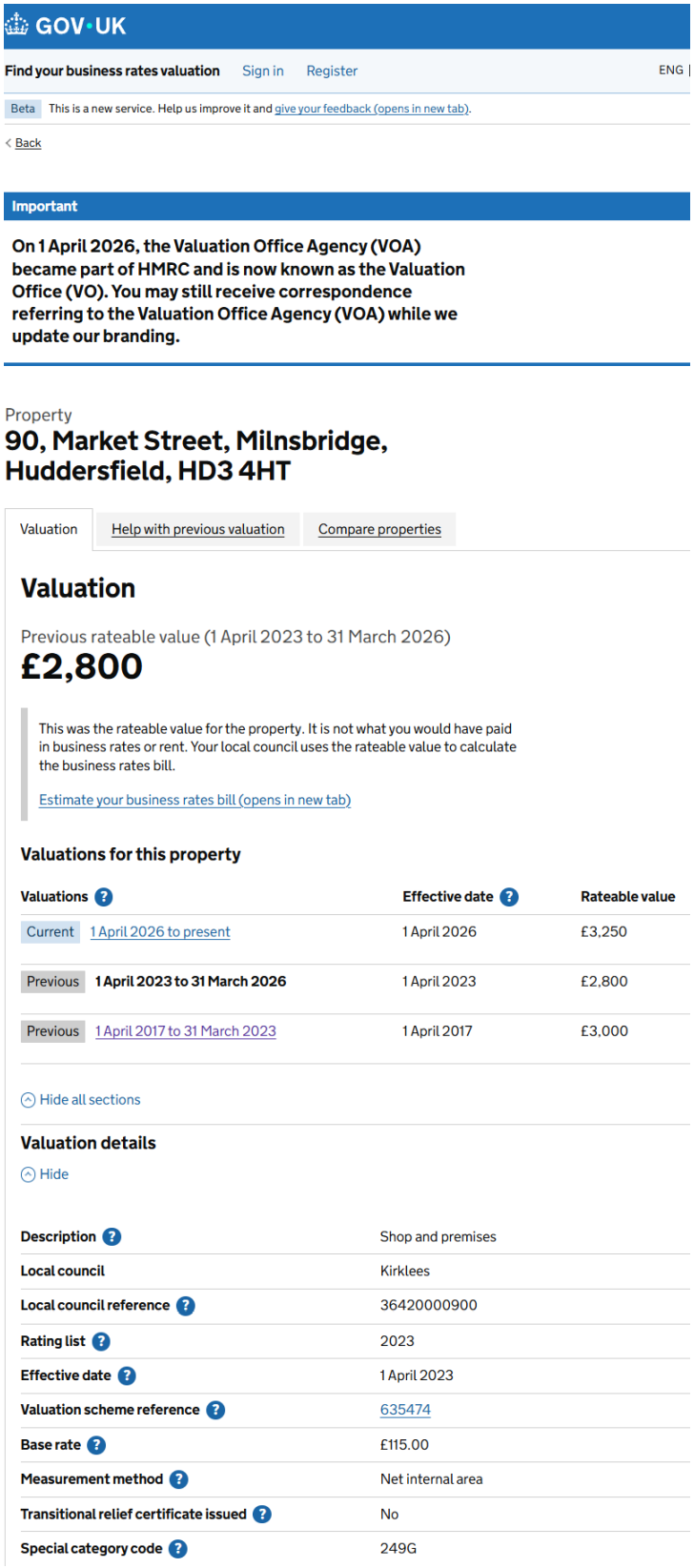
Shop floor areas

Description	Area m²/unit	£ per m²/unit	Value
Ground floor retail zone a	24.04	£125.00	£3,005
Ground floor internal storage	3.3	£12.50	£41
Ground floor staff toilets	2.9	£0.00	£0
Total	**30.24**		**£3,046**

Valuation

Total value	**£3,046**
Rateable value (rounded down)	**£3,000**

Figure C1: 2017 rating list (1 April 2017 to 31 March 2023). Description: Shop and premises.



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Important

On 1 April 2026, the Valuation Office Agency (VOA) became part of HMRC and is now known as the Valuation Office (VO). You may still receive correspondence referring to the Valuation Office Agency (VOA) while we update our branding.

Property

90, Market Street, Milnsbridge, Huddersfield, HD3 4HT

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Valuation

Previous rateable value (1 April 2023 to 31 March 2026)

£2,800

This was the rateable value for the property. It is not what you would have paid in business rates or rent. Your local council uses the rateable value to calculate the business rates bill.

Estimate your business rates bill (opens in new tab)

Valuations for this property

Valuations	Effective date	Rateable value
Current 1 April 2026 to present	1 April 2026	£3,250
Previous **1 April 2023 to 31 March 2026**	1 April 2023	£2,800
Previous 1 April 2017 to 31 March 2023	1 April 2017	£3,000

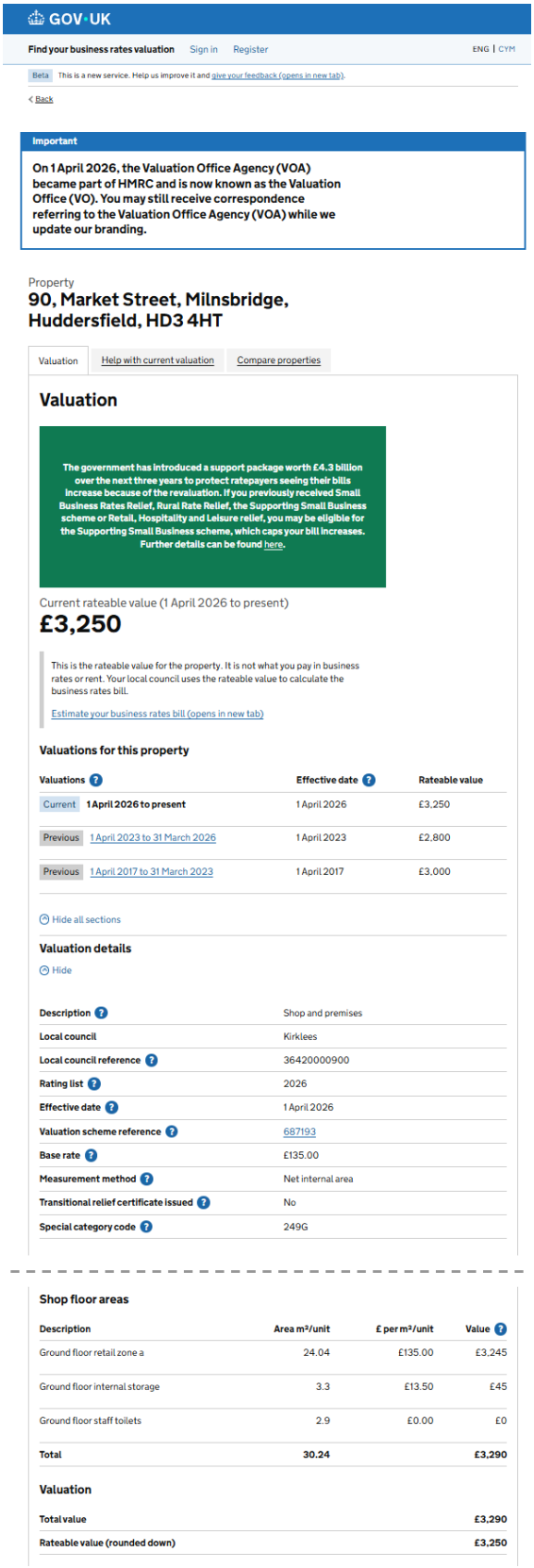
Hide all sections

Valuation details

Hide

Description	Shop and premises
Local council	Kirklees
Local council reference	36420000900
Rating list	2023
Effective date	1 April 2023
Valuation scheme reference	635474
Base rate	£115.00
Measurement method	Net internal area
Transitional relief certificate issued	No
Special category code	249G

Figure C2: 2023 rating list (1 April 2023 to 31 March 2026). Description: Shop and premises.



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Property

90, Market Street, Milnsbridge, Huddersfield, HD3 4HT

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Valuation

The government has introduced a support package worth £4.3 billion over the next three years to protect ratepayers seeing their bills increase because of the revaluation. If you previously received Small Business Rates Relief, Rural Rate Relief, the Supporting Small Business scheme or Retail, Hospitality and Leisure relief, you may be eligible for the Supporting Small Business scheme, which caps your bill increases. Further details can be found here.

Current rateable value (1 April 2026 to present)

£3,250

This is the rateable value for the property. It is not what you pay in business rates or rent. Your local council uses the rateable value to calculate the business rates bill.

Estimate your business rates bill (opens in new tab)

Valuations for this property

Valuations	Effective date	Rateable value
Current **1 April 2026 to present**	1 April 2026	£3,250
Previous 1 April 2023 to 31 March 2026	1 April 2023	£2,800
Previous 1 April 2017 to 31 March 2023	1 April 2017	£3,000

Hide all sections

Valuation details

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Description	Shop and premises
Local council	Kirklees
Local council reference	36420000900
Rating list	2026
Effective date	1 April 2026
Valuation scheme reference	687193
Base rate	£135.00
Measurement method	Net internal area
Transitional relief certificate issued	No
Special category code	249G

Shop floor areas

Description	Area m²/unit	£ per m²/unit	Value
Ground floor retail zone a	24.04	£135.00	£3,245
Ground floor internal storage	3.3	£13.50	£45
Ground floor staff toilets	2.9	£0.00	£0
Total	**30.24**		**£3,290**

Valuation

Total value	**£3,290**
Rateable value (rounded down)	**£3,250**

Figure C3: 2026 rating list (1 April 2026 to present). Description: Shop and premises.